

### **REMARKS**

Claims 1-64 are pending in the application, with Claims 32-64 previously withdrawn from consideration. Claims 6, 13, 17, and 18 are currently amended. Claims 1-5, 7-12, 14-16, and 21-64 are cancelled without prejudice in the present paper. Claims 6, 13, and 17-20 are currently under examination.

### **Amendments to the Specification**

The specification has been amended to recite CARBOPOL® or CARBOPOL® polymer(s). Support for these amendments is found throughout the specification and in particular, on page 12 at line 31 to page 13 at line 1; therefore, these amendments do not introduce new matter. Entry of these amendments is respectfully requested.

### **Amendments to the Claims**

Claims 6, 13, 17, and 18 are currently amended to include all of the limitations of the base claim and any intervening claims. Support for these amendments are found throughout the specification and in the claims as originally filed; therefore, these claim amendments do not introduce new matter.

### **Objections to the Claims/Allowable Subject Matter**

In the Official Action mailed June 6, 2005, the Examiner objected to Claims 6, 13, and 17-20 as being dependent upon a rejected base claim, and stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (Office Action, page 16). Applicants thank the Examiner for providing guidance as to subject matter considered allowable. Claims 6, 13, 17, and 18 are currently amended as suggested by the Examiner. Original Claims 19 and 20 are dependent upon amended Claim 18. Therefore, Claims 6, 13, and 17-20 should now be found in condition for allowance.

### **Claim Rejections**

#### *Rejections under 35 U.S.C. §112*

Claims 1-31 stand rejected under 35 U.S.C. §112, as allegedly indefinite. Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection moot with respect to these claims. Claims 6, 13, 17, and 18 are currently amended as suggested by the Examiner, to include all of the limitations of the base claim and any intervening claims, and Claims 19 and 20 are dependent upon amended Claim 18. Applicants request that the rejection of Claims 6, 13, and 17-20 be withdrawn in light of the current amendments to the claims.

*Rejections under 35 U.S.C. §102*

Claims 1, 21, 22, and 28 stand rejected under 35 U.S.C. §102(b) over Fusiak (US 5,334,331). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 1, 21, 22, and 28 moot.

Claims 1, 2, 7, 8, and 21 stand rejected under 35 U.S.C. §102(b) over Machac, Jr. (US 6,187,108). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 1, 2, 7, 8, and 21 moot.

Claims 1, 21, 22, and 28 stand rejected under 35 U.S.C. §102(b) over Wilkins *et al.* (US 5,215,675). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 1, 21, 22, and 28 moot.

Claim 1 stands rejected under 35 U.S.C. §102(a), and Claim 2 stands rejected under 35 U.S.C. §102(b), over Machac, Jr. *et al.* (US 6,479,445). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claim 1 moot.

Claims 1, 21, and 28 stand rejected under 35 U.S.C. §102(b) over Stevens (US 5,427,710). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 1, 21, and 28 moot.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) over Monteleone (US 5,258,070). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 1 and 2 moot.

All outstanding claim rejections under 35 U.S.C. §102 have been rendered moot by cancellation of Claims 1-5, 7-12, 14-16, and 21-64.

*Claim rejections under 35 U.S.C. §103*

Claims 23-27 and 29-31 stand rejected U.S.C. §103 over Fusiak (US 5,334,331). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 23-27 and 29-31 moot.

Claims 9-12 and 28-31 stand rejected under 35 U.S.C. §103 over Machac, Jr. (US 6,187,108). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 9-12 and 28-31 moot.

Claims 24, 26, and 29-31 stand rejected under 35 U.S.C. §103 over Wilkins *et al.* (US 5,215,675). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 24, 26, and 29-31 moot.

Claims 2, 4, 5, 7-10 and 14-16 stand rejected under 35 U.S.C. §103(a) over Machac, Jr., *et al.* (US 6,479,445). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 2, 4, 5, 7-10 and 14-16 moot.

Claims 22, 24, and 29-31 stand rejected under 35 U.S.C. §103(a) over Stevens (US 5,427,710). Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claims 22, 24, and 29-31 moot.

Claim 3 stands rejected under 35 U.S.C. §103(a) over Monteleone (US 5,258,070) in view of WO 00/45776. Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this rejection of Claim 3 moot.

All outstanding claim rejections under 35 U.S.C. §103 have been rendered moot by cancellation of Claims 1-5, 7-12, 14-16, and 21-64.

#### **Double Patenting**

Claims 1, 2, and 21-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1, 8, and 9 of copending U.S. Application No. 10/394,405. Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this provisional rejection of Claims 1, 2, and 21-31 moot.

Claim 3 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1, 8, and 9 of U.S. copending U.S. Application No. 10/394,405 in view of WO 00/45776. Applicants point out that Claims 1-5, 7-12, 14-16, and 21-64 have been cancelled, thereby rendering this provisional rejection of Claim 3 moot.

### CONCLUSION

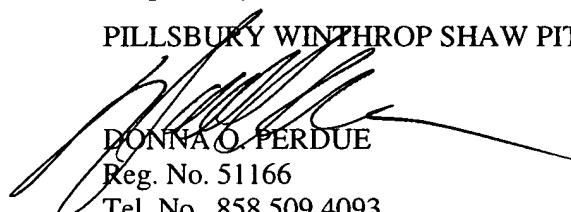
Claims 1-64 are pending. Claims 6, 13, 17, and 18 are currently amended, and Claims 1-5, 7-12, 14-16, and 21-64 are cancelled. Claims 6, 13, and 17-20 are currently under examination.

All claim rejections under 35 U.S.C. §§102 and 103 have been rendered moot by cancellation of Claims 1-5, 7-12, 14-16, and 21-64. All provisional claim rejections under the judicially created doctrine of obviousness-type double patenting have been rendered moot by cancellation of Claims 1-5, 7-12, 14-16, and 21-64. Claim rejections under 35 U.S.C. §112 with respect to Claims 6, 13, and 17-20 have been overcome. Applicants request speedy allowance of Claims 6, 13, and 17-20.

Applicants believe fees are due. Please charge any fees associated with the submission of this paper to Deposit Account Number 502212. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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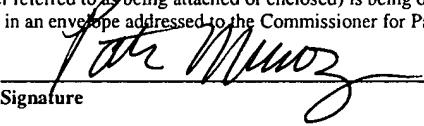
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### CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\*

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I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 7, 2005

  
Signature

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(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.